

**Assembly Bill No. 2040**

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Passed the Assembly August 18, 2008

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*Chief Clerk of the Assembly*

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Passed the Senate August 14, 2008

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Sections 60852.1 and 60852.2 to the Education Code, relating to the high school exit examination.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2040, Nunez. High school exit examination.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Each pupil completing grade 12 is required to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or graduation from high school.

Existing law, until December 31, 2007, requires a school district or state special school to grant a high school diploma to a pupil with a disability who is scheduled to graduate from high school in 2007, has not passed the high school exit examination, has not received a high school exit examination waiver, and meets other specified criteria. A school district or state special school that fails to grant a high school diploma to that pupil is required to submit certain documentation to the state board within 15 days after its determination that the pupil does not meet the specified criteria, and requires the state board to review that failure to grant a high school diploma, as provided. The state board is authorized to direct the school district or state special school to grant a high school diploma to the pupil if the state board finds that the pupil meets the specified criteria. The school district or state special school also is required to report to the Superintendent certain information, including the number of pupils granted diplomas in this manner.

The bill would require the Superintendent to recommend, and the state board to select, members of a panel composed as specified, to make recommendations regarding alternative means for eligible pupils with disabilities to demonstrate that they have achieved the same level of academic achievement in the content standards in English language arts or mathematics, or both, required for passage of the high school exit examination, and would require the state board by October 1, 2010, to adopt regulations, taking into

consideration the recommendations of the panel, for alternative means for pupils with disabilities to demonstrate that they have achieved the same level of academic achievement required for passage of the high school exit examination, as specified. Commencing January 1, 2011, an eligible pupil with a disability, as defined, would be authorized to participate in the alternative means of demonstrating the level of academic achievement in the content standards required for passage of the high school exit examination and would be deemed to have satisfied the requirement to successfully pass the parts of the high school exit examination that he or she has not otherwise passed if the school district is notified that the pupil has successfully made this demonstration.

This bill also would provide that funds appropriated in the Budget Act, as specified, shall be allocated by the Superintendent to support the work of the panel and to implement these provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 60852.1 is added to the Education Code, to read:

60852.1. (a) The Superintendent shall recommend, and the state board shall select, members of a panel that will convene to make recommendations regarding alternative means for eligible pupils with disabilities to demonstrate that they have achieved the same level of academic achievement in the content standards in English language arts or mathematics, or both, required for passage of the high school exit examination.

(1) The panel shall be composed of educators and other individuals who have experience with the population of pupils with disabilities eligible for alternative means of demonstrating academic achievement, as defined in Section 60852.2, and educators and other individuals who have expertise with multiple forms of assessment. The panel shall consult with experts in other states that offer alternative means for pupils with disabilities to demonstrate academic achievement. A majority of the panel shall be classroom teachers.

(2) The panel shall make findings and recommendations regarding all of the following:

(A) Specific options for alternative assessments, submission of evidence, or other alternative means by which eligible pupils with

disabilities may demonstrate that they have achieved the same level of academic achievement in the content standards in English language arts or mathematics, or both, required for passage of the high school exit examination.

(B) Scoring or other evaluation systems designed to ensure that the pupil has achieved the same competence in the content standards required for passage of the high school exit examination.

(C) Processes to ensure that the form, content, and scoring of assessments, evidence, or other means of demonstrating academic achievement are applied uniformly across the state.

(D) Estimates of one-time or ongoing costs, and whether each option should be implemented on a statewide or regional basis, or both.

(3) The panel shall present its options and make its findings and recommendations to the Superintendent and to the state board by October 1, 2009.

(b) By October 1, 2010, for those portions of, or those academic content standards assessed by, the high school exit examination for which the state board determines it is feasible to create alternative means by which eligible pupils with disabilities may demonstrate the same level of academic achievement required for passage of the high school exit examination, the state board, taking into consideration the findings and recommendations of the panel, shall adopt regulations for alternative means by which eligible pupils with disabilities, as defined in Section 60952.2, may demonstrate that they have achieved the same level of academic achievement in the content standards required for passage of the high school exit examination. The regulations shall include appropriate timelines and the manner in which pupils and school districts shall be timely notified of the results.

SEC. 2. Section 60852.2 is added to the Education Code, to read:

60852.2. (a) For purposes of this chapter, “eligible pupil with a disability” means a pupil who meets all of the following criteria:

(1) The pupil has an operative individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 (a)) that indicates that the pupil has an

anticipated graduation date and is scheduled to receive a high school diploma on or after January 1, 2011.

(2) The pupil has not passed the high school exit examination.

(3) The school district or state special school certifies that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma on or after January 1, 2011.

(4) The pupil has attempted to pass those sections not yet passed of the high school exit examination at least twice after grade 10, including at least once during the current enrollment of the pupil in grade 12, with the accommodations or modifications, if any, specified in the individualized education program or the Section 504 plan of the pupil.

(b) Commencing January 1, 2011, an eligible pupil with a disability may participate in the alternative means of demonstrating the level of academic achievement in the content standards required for passage of the high school exit examination in the manner prescribed by the regulations adopted pursuant to Section 60852.1. The state board may, by regulation, extend this date by up to two years if it determines that an extension is necessary for the appropriate implementation of the regulations adopted pursuant to Section 60852.1.

(c) An eligible pupil with a disability shall be deemed to have satisfied the requirements of Section 60851 for those parts of the high school exit examination that the pupil has not passed if the school district in which the pupil is enrolled is notified that the pupil has successfully demonstrated the same level of academic achievement in the statewide content standards as the level of academic achievement that is necessary to pass the high school exit examination through one or more of the alternative means prescribed in the regulations adopted pursuant to Section 60852.1.

SEC. 3. The funds appropriated pursuant to Provision 23 of Item 6110-001-0890 of the Budget Act of 2008 shall be allocated by the Superintendent of Public Instruction in the following manner:

(a) Two hundred thousand dollars (\$200,000) to support the work of the panel established pursuant to Section 60952.1 of the Education Code.

(b) The balance of the one million fifty thousand dollars (\$1,050,000) shall be used pursuant to an expenditure plan

developed by the State Department of Education and approved by the Director of Finance to implement the requirements of Sections 60852.1 and 60852.2 of the Education Code.



Approved \_\_\_\_\_, 2008

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*Governor*